

## **REMARKS/ARGUMENTS**

The foregoing amendments in the specification and claims are of formal nature, and do not add new matter.

Prior to the present amendment, Claims 28-33 were pending in this application and were rejected on various grounds. With this amendment, Claim 33 have been canceled without prejudice, and Claim 28 has been amended to clarify what applicants have always regarded as their invention. The rejection of the remaining claims is respectfully traversed.

Claims 28-32 are pending after entry of the instant amendment. Applicants expressly reserve the right to pursue any canceled matter in subsequent continuation, divisional or continuation-in-part applications.

### **1. Formal Matters**

In response to the Examiner's assertion that references 1 and 2 in the Information Disclosure Statement filed on September 20, 2002, are not in proper format, Applicants file herewith, an Information Disclosure Statement listing each reference of the "Blast Search" separately and including authors/inventors, relevant accession numbers and publication dates. Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application.

### **2. Claim Rejection - 35 U.S.C. §112, Second Paragraph**

The Examiner also alleges that Claim 33 is confusing "since it is not clear what the definition of 'specifically binds' is."

Without acquiescing to the propriety of this rejection and solely in the interest of expedited prosecution in this case, Applicants have canceled Claim 33 and have amended Claim 28 (and, as a consequence, those claims dependent from the same) to recite "specifically binds." Applicants respectfully submit that the art-recognized meaning of "specific" binding is that the antibody that specifically binds to a particular antigen does not significantly cross-react

with another antigen. Therefore, the term "specifically binds" in Claim 28 (and, as a consequence, those claims dependent from the same) clearly refers to an antibody that is able to bind to the PRO1303 polypeptide without significantly cross reacting with another antigen. Accordingly, one skilled in the art would exactly know what the scope of the invention is, and the present rejection should be withdrawn.


### Conclusion

All claims pending in the present application are believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2830 P1C15). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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